HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.874 (M/S) OF 2006

Vinod Kumar Bhatt, S/o D.N. Bhatt,

Vinika Sport Shoes Near Fitwell Tailors

Kaladhungi Road, Haldwani,

District Nainital. .....Petitioner

Versus

1. Manohar Dutt
2. Devi Dutt,

   Sons of Sri Ishwari Dutt
3. Naveen Chandra
4. Suresh Chandra

   Sons of Sri Purnanand
5. Smt. Nadi Devi W/o Purnanand
6. Smt. Nardi Devi d/o Purnanand
7. Smt. Leela Devi D/o Purnanand
8. Smt. Munni Devi D/o Sri Purnanand

   R/o Village Bithoria No.1, Tehsil Haldwani,

   District Nainital.
9. Judge Small Cause Court/District Judge,

   Nainital. .....Respondents

Sri Sarvesh Aggarwal, counsel for the petitioner.
Sri J.C. Belwal counsel for the respondents.

Dated 11.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Sarvesh Aggarwal, learned counsel for the petition and Sri J.C. Belwal for respondent.

Briefly stated, a suit for eviction was filed in Small Cause Court being suit No.10 of 2005. During the pendency of the suit the defendant has moved an application under order 1 rule 10 of the code of civil procedure for impleading Ranjeet Singh as well as State of Uttaranchal as a necessary party on the ground that the owner has no title to the property in dispute.

Sri J.C. Belwal has disputed the aforesaid fact and has submitted that the plaintiff is the owner and landlord of the property in dispute.

In view of the aforesaid, the trial Court is directed to frame one of the point for determination with regard to the title of landlord while framing the points for determination while deciding the suit, in view of A.I.R. 2001 S.C. page 1 Shamim Akhtar Vs. Iqubal Ahmad.

However, suit shall be decided expeditiously preferably within a period of six months.

Subject to above, writ petition disposed of. No order as to costs.

11.7.2006 (Rajesh Tandon, J.)